

A CONCISE DIGEST OF THE CASES  
PUBLISHED IN THE  
**SOLICITORS' JOURNAL AND WEEKLY REPORTER,**  
FROM JULY 28 TO SEPTEMBER 1 (INCLUSIVE), 1888.

*Note.—When a case has been reported in the Weekly Reporter as well as in the Solicitors' Journal, the reference is given to the Weekly Reporter only.*

Abergavenny v. Llandaff—q.b.d.... W.R. 859	Fulham Union, &c., Committee v. Wells— q.b.d..... W.R. 858	Norwich Town Close Estate, Re—ch.d. KEKEWICH, J..... W.R. 853
"Argentino," The—APP. .... S.J. 709	Galland v. Hall—APP. .... S.J. 691	Official Receiver, Ex parte, Emery, Re— APP. .... S.J. 696
Argus Life Assurance Co., Re—ch.d. NORTH, J..... S.J. 695	Gillings v. Fletcher, Fletcher, Re—ch.d. NORTH, J..... W.R. 841	Onslow, Re, Plowden v. Gayford—ch.d. STIRLING, J..... W.R. 883
Arnaud Ex parte, Bullen, Re—APP. W.R. 836	Gladstone, Re, Gladstone v. Blumenthal— CH.D. NORTH, J..... S.J. 663	Owen v. Morgan, Morgan, Re—APP. S.J. 694
Baker v. Hedgecock—CHITTY, J.... W.R. 840	Grayston James, Re, Wall, Re—q.b.d. S.J. 680	Parker's Will, Re—APP. .... S.J. 679
Barrow Haematite Steel Co., Re—ch.d. NORTH, J..... S.J. 695	Grove, Re, Vaucher v. Solicitor to Treasury—APP. .... S.J. 678	"Patroclus," The—P.D. & A.D.... W.R. 928
"Bernina," The (No. 2), Mille v. Arm- strong—H.L..... W.R. 870	Guardians Medway Union v. Guardians Bedminster Union—APP..... W.R. 851	Peek v. Derry—APP..... W.R. 899
Bigwood v. Bigwood—P.D. & A.D. ...W.R. 928	Guardians of Southampton v. Bell—q.b.d. W.R. 924	Plowden v. Gayford, Re Onslow—ch.d. STIRLING, J..... W.R. 883
Birmingham, Dudley, and District Bank- ing Co. v. Ross—APP. .... W.R. 914	Guest, Ex parte, Russell, Re—APP. .... S.J. 697	Reg. v. Ashplant—q.b.d. .... S.J. 679
Blackburn, Low, & Co. v. Haslam—q.b.d. W.R. 855	Hall, Re—q.b.d. .... W.R. 892	Reg. v. Justices West Riding Yorkshire— q.b.d. .... W.R. 855
Blackhall v. Blackhall—P.D. & A.D. W.R. 926	Hallows v. Lloyd—CH.D. KEKEWICH, J. S.J. 663	Reg. v. Mayor of Wakefield—q.b.d. W.R. 911
Blank v. Footman—CH.D. KEK., J. .... W.R. 921	Hamlet, Re, Stephen v. Cunningham—APP. S.J. 678	Robson v. Owner of "The Kate"—q.b.d. W.R. 910
Bosville v. Bosville and Craven—P.D. & A.D..... W.R. 912	Harris v. Harford—CH.D. NORTH, J. .... S.J. 663	Rooney, Ex parte, Tallerman, Re—BKCY. W.R. 864
Bowden v. Beesley—q.b.d. .... W.R. 889	Henderson v. Preston—APP. .... W.R. 834	Ross, Ex parte, Cripps, Re—BKCY... W.R. 845
Bradshaw, In the Goods of—P.D. & A.D. W.R. 848	Hennessy v. Wright (No. 1)—APP.... W.R. 878 —(No. 2)—APP.... W.R. 879	Russell, Re, Guest, Ex parte—APP. .... S.J. 697
Bereton v. Edwards—APP. .... S.J. 691	Henry v. Strong, Coleman, Re—APP. S.J. 694	Scanlan (Infante), Re—CH.D. STIR., J. W.R. 842
Bridgetown Waterworks Co. v. Barbadoes Water Supply Co.—CH.D. NOR., J. W.R. 852	Hesketh v. Bray—APP. .... S.J. 677	Seaton v. Seaton (Buckmaster v. Buck- master)—H.L..... W.R. 865
British Empire Mutual, &c., Co. v. South- wark and Vauxhall Water Co.—q.b.d. W.R. 894	Jaynes, Ex pte., Dowson, Re—BKCY. W.R. 864	Simkin v. London and North-Western Railway Co.—APP. .... S.J. 662
Broad v. Perkins—APP. .... S.J. 677	Jellard's Trusts, Re—CH.D. NORTH, J. S.J. 663	Simon, Ex parte—APP. .... S.J. 692
Buckmaster v. Buckmaster, Seaton v. Seaton—H.L..... W.R. 865	Jones, Ex parte, Marks, Re—APP.... S.J. 697	Skinner v. Skinner—P.D. & A.D. .... W.R. 912
Bullen, Re, Arnaud, Ex parte—APP. W.R. 836	Keith v. Day—CH.D. NORTH, J. .... S.J. 679	Slattery v. Naylor—P.C. .... W.R. 897
Burden, Re, Wood, Ex parte—BKCY. W.R. 896	Kellard v. Rooke—APP. .... W.R. 875	Smith v. Jobson—CH.D. KAY, J. .... S.J. 662
Charman v. South-Eastern Railway Co.— APP. .... S.J. 692	Kelly's Settlement, Re, West v. Turner— CH.D. CHITTY, J. .... S.J. 663	South London Fish Market Co., Re—APP. S.J. 694
Clark v. Somersetshire Drainage Com- missioners—q.b.d. .... W.R. 890	King v. Chick, Talbot, Re—CH.D. NORTH, J. S.J. 695	St. Mary, Aldermanbury, Re—CH.D. KAY, J. .... W.R. 837
Clothworkers' Co., Ex parte, Finley, Re— APP. .... S.J. 680	Lee v. Soames—CH.D. KEKEWICH, J. W.R. 884	St. Stephen, Coleman-street, Re—CH.D. KAY, J. .... W.R. 837
Coleman, Re, Henry v. Strong—APP. S.J. 694	Liverpool Household Stores Association, Re—APP. .... S.J. 661	Stephen v. Cunningham, Hamlet, Re—APP. S.J. 678
Cowan v. O'Connor—q.b.d. .... W.R. 895	London and County Banking Co. v. Lon- don and River Plate Bank—APP. .... S.J. 677	Stevens v. Barnet District Gas and Water Co.—q.b.d. .... W.R. 924
Crawshay, Re, Dennis v. Crawshay—CH.D. NORTH, J. .... S.J. 696	Lush, In the Goods of—P.D. & A.D. W.R. 847	Talbot, Re, King v. Chick—CH.D. NORTH, J. S.J. 695
Crew v. Cummings—APP. .... W.R. 908	Marks, Re, Jones, Ex parte—APP.... S.J. 697	Tallerman, Re, Rooney, Ex pte.—BKCY. W.R. 864
Cripps, Re, Ross, Ex parte—BKCY.... W.R. 845	Massey v. Heynes—APP. .... W.R. 834	Tarn v. Turner—APP. .... S.J. 662
Davis, Re, Davis v. Galmoye—APP. .... S.J. 693	Maughan, Ex parte, Maughan, Re—q.b.d. W.R. 846	Taylor v. Neate—CH.D. CHITTY, J. .... S.J. 679
Dennis v. Crawshay, Crawshay, Re—CH.D. NORTH, J. .... S.J. 696	Mayor, &c., of the Staple of England v. Bank of England—APP. .... W.R. 880	Tudball v. Medlicott—CH.D. KEK., J. W.R. 886
Dowson, Re, Jaynes, Ex pte.—BKCY. W.R. 864	Mitchell and Governor of Ceylon Arbitra- tion, Re—APP. .... W.R. 873	Tyarr v. Alsop—CH.D. KEKEWICH, J. W.R. 919
Drew v. Drew—P.D. & A.D. .... W.R. 927	Moore v. Gill—APP. .... S.J. 693	Union Electrical Power and Light Co. v. Electrical Power Storage Co.—APP. W.R. 913
East and West India Docks Co., Re—APP. W.R. 849	Morgan, Re, Owen v. Morgan—APP. S.J. 694	Vaucher v. Solicitor to the Treasury, Grove, Re—APP. .... S.J. 678
Egg v. Blayney—q.b.d. .... W.R. 893	Mortgage Insurance Corporation v. Coms. of Inland Revenue—APP..... W.R. 833	Walsh v. Whiteley—APP. .... W.R. 876
Ellington v. Clark, Bennett, & Co.—APP. W.R. 873	Newlove v. Shrewsbury—APP..... W.R. 835	Webb, In the Goods of—P.D. & A.D. W.R. 847
Emery, Re, Official Receiver, Ex parte— APP. .... S.J. 696	New Chile Gold Mining Co., Re—CH.D. NORTH, J. .... W.R. 909	West v. Turner, Kelly's Settlement, Re— CH.D. CHITTY, J. .... S.J. 663
Finley, Re, Clothworkers' Co., Ex parte— APP. .... S.J. 680	Stirling, J. .... W.R. 913	White v. City of London Brewery Co.— CH.D. NORTH, J. .... W.R. 881
Fletcher, Re, Gillings v. Fletcher—CH.D. NORTH, J. .... W.R. 841	Wood, Ex parte, Burden, Re—BKCY. W.R. 896	Wood v. Anderson Foundry Co.—CH. D. STIRLING, J. .... W.R. 913
Frewen, Re, Frewen v. James—CH.D. NORTH, J. .... W.R. 840	New York Exchange Co., Re—APP... S.J. 681	Yeatman v. Snow—CH.D. NORTH, J.... S.J. 679

## DIGEST.

**ADMINISTRATION:**—1. Insolvent estate—Interest on debt—Secured creditor—Judicature Act, 1883, s. 10.—*Talbot, Re, King v. Chick, Ch.D. NORTH, J.* ... ... ... S.J. 695  
2. Scheme—Sale of estate to company in consideration of shares and debentures—Sanction of court.—Jurisdiction.—*Crawshay, Re, Dennis v. Crawshay, Ch.D. NORTH, J.* ... S.J. 696

**ARBITRATION:**—Agreement to refer—Power to revoke submission—3 & 4 Will. 4, c. 42, r. 39—Common Law Procedure Act, 1854, s. 17.—*Mitchell and the Governor of Ceylon Arbitration, Re, APP.* ... ... ... W.R. 873

**BANKRUPTCY:**—1. Bankruptcy notice—Judgment debt—Judge's order by consent—Omission to file order—Debtors Act, 1869, s. 27.—*Guest, Ex parte, Russell, Re, APP.* ... ... S.J. 697  
2. Costs—Review of taxation—Bankruptcy Rules, 1886, r. 112 (2)—*Jayne, Ex parte, Dowson, Re, BKCY.* ... ... W.R. 864  
3. Debtor's petition—Punishment of fraudulent debtors—Practice—Debtors Act, 1869, s. 11, sub-sections 13—15; s. 16—Bankruptcy Act, 1883, ss. 149, 163.—*Wood, Ex parte, Boudens, Re, BKCY.* ... ... ... W.R. 896  
4. Debtor's petition—Single creditor—Conditional discharge—Entering up judgment—Bankruptcy Act, 1883, s. 28, sub-section 6.—*Arnaud, Ex parte, Bullen, Re, APP.* ... ... W.R. 836  
5. Discharge of bankrupt—Condition—Bankruptcy Act, 1869, r. 54—Bankruptcy (Discharge and Closure) Act, 1887, ss. 2, 3.—*Jones, Ex parte, Marks, Re, APP.* ... ... S.J. 697  
6. Execution—Petition—Notice to sheriff—Retention of proceeds—Time—Bankruptcy Act, 1883, s. 46.—*Ross, Ex parte, Cripps, Re, BKCY.* ... ... ... W.R. 845  
7. Leasehold interest of bankrupt—Mortgage by underlease—Disclaimer of lease by trustee—Vesting order—Exclusion of mortgagee—Bankruptcy Act, 1883, s. 55.—*Clothworkers' Co., Ex parte, Finley, Re, APP.* ... ... ... S.J. 680  
8. Petition dismissed—Substitution of other creditors as petitioning creditors—Jurisdiction—Practice—Bankruptcy Act, 1883, ss. 104, 107.—*Maughan, Ex parte, Maughan, Re, BKCY.* ... W.R. 846  
9. Proof—Application to reduce or expunge—Application in name of creditor for benefit of bankrupt—Abuse of process—Bankruptcy Act, 1883, schedule 2, r. 25.—*Rooney, Ex parte, Tallerman, Re, BKCY.* ... ... ... W.R. 864

**BILL OF SALE:**—1. Affidavit—Omission of residence and occupation of attesting witness—Register—Power to order rectification—Bills of Sale Act, 1878, ss. 10, 12, 14.—*Crew v. Cummings, APP.* ... ... ... W.R. 908  
2. "Receipt"—Oral agreement—Document not representing contract—Bills of Sale Act, 1878, s. 4—Bills of Sale Act, 1882.—*Newlove v. Shrewsbury, APP.* ... ... W.R. 835  
3. Re-registration—Bill of sale executed five years before commencement of Bills of Sale Act, 1878—Bills of Sale Act, 1878, ss. 11, 14, 23.—*Official Receiver, Ex parte, Emery, Re, APP.* S.J. 696

**CHARITY:**—1. Advowson—City of London Parochial Charities Act, 1883, ss. 5, 10.—*St. Stephen, Coleman-street, Re, St. Mary, Aldermanbury, Re, Ch.D. KAY, J.* ... ... W.R. 837  
2. Charitable Trusts Act, 1853, s. 28—Summons—Disputed charitable trust—Jurisdiction of court.—Norwich Town Close Estate, Re, Ch.D. KEEWICH, J. ... ... W.R. 853

**COMPANY:**—1. Life assurance—Transfer of business—Rights of policy-holder—Life Assurance Companies Acts, 1870—1872.—*Argus Life Assurance Co., Re, Ch.D. NORTH, J.* ... ... S.J. 695  
2. Misrepresentation in prospectus—Liability of directors—Action of deceit—Measure of damages.—*Peek v. Derry, APP.* W.R. 899  
3. Reduction of capital—Confirmation by the court—Capital lost or unrepresented by available assets—Shares at a discount—Voluntary liquidation—Sale of property of old company in consideration of shares in new company—Companies Act, 1862, s. 161—Companies Act, 1877, ss. 3, 4.—*New Chile Gold Mining Co., Re, Ch.D. NORTH, J.* ... ... ... W.R. 909  
4. Reduction of capital—Confirmation by court—Preference shares—Discretion—Companies Act, 1867, s. 11.—*Barrow Hematite Steel Co., Re, Ch.D. NORTH, J.* ... ... S.J. 695

5. Winding-up petition—Staying proceedings under previous order of Court of Appeal—Companies Act, 1862, s. 85—Judicature Act, 1873, s. 24 (5)—Judicature Act, 1875, s. 11 (1).—*Liverpool Household Stores Association, Re, APP.* ... S.J. 661  
6. Winding up—Petition for compulsory order—Supervision order—Discretion of court—Resolutions for voluntary winding up passed after presentation of petition—Companies Act, 1862, s. 145.—*New York Exchange Co., Re, APP.* ... ... S.J. 661  
7. Winding up—Unregistered company—Directors—Qualification—Companies Act, 1862, s. 199.—*South London Fish Market Co., Re, APP.* ... ... ... S.J. 894

**COUNTY COURT:**—Jurisdiction—"Damage by collision"—County Courts Admiralty Jurisdiction Act, 1868, s. 3, sub-section 3—County Courts Admiralty Jurisdiction Amendment Act, 1869, s. 4.—*Robson v. Owner of The Kate, Q.B.D.* ... ... W.R. 910

**COVENANT:**—Restraint of trade—"Any engagement"—"Any business"—Invalid.—*Baker v. Hedgecock, Ch.D. CHITTY, J.* W.R. 840  
See also Easement: Local Government, 3.

**DIVORCE:**—1. Costs—Queen's Proctor intervening—Failure of intervention—Petitioner's costs of intervention—20 & 21 Vict. c. 85, s. 34; 23 & 24 Vict. c. 144, s. 7.—*Blackhall v. Blackhall, P.D. & A.D.* ... ... ... W.R. 926  
2. Desertion—Intention at time of leaving—Subsequent inability to return—Imprisonment.—*Drew v. Drew, P.D. & A.D.W.R.* 927  
3. Non-compliance with decree for restitution of conjugal rights—Adultery before decree—Desertion—Matrimonial Causes Act, 1884, s. 5.—*Bigwood v. Bigwood, P.D. & A.D.* W.R. 928  
4. Practice—Guardianship of Infants Act, 1886, s. 7—Declaration that guilty party unfit to have the custody of children.—*Skinner v. Skinner, P.D. & A.D.* ... ... ... W.R. 912  
5. Practice—Variation of settlements—Matrimonial Causes Act, 1859, s. 5—"Application of the property"—Powers of appointment.—*Bosville v. Bosville and Craven, P.D. & A.D.* W.R. 912

**DOMICIL:**—Child born out of wedlock—Legitimation by subsequent marriage of parents.—*Grove, Re, Vaucher v. Solicitor to the Treasury, APP.* ... ... ... S.J. 678

**EASEMENT:**—Light—Building scheme—Lease—Implied grant—Derogation—Conveyancing Act, 1881, s. 6, sub-section (2).—*Birmingham, Dudley, and District Banking Co. v. Ross, APP.* W.R. 914

**ECCLESIASTICAL LAW:**—Advowson—Refusal of bishop to institute clerk—Discretion—Welsh diocese—Ignorance of Welsh language—1 & 2 Vict. c. 106, s. 104.—*Abergavenny (Marquis) v. Llandaff (Bishop), Q.B.D.* ... ... ... W.R. 859

**EMPLOYERS' LIABILITY:**—1. Master and servant—Negligence—Employers' Liability Act, 1880, s. 1, sub-section 1; s. 2, sub-section 1—"Defect in condition of machinery"—Machine dangerous to workman.—*Walsh v. Whitley, APP.* ... W.R. 876  
2. Negligence—Person intrusted with superintendence—Foreman of gang of labourers—Employers' Liability Act, 1880, s. 1, sub-section 2, 3; s. 8.—*Kellard v. Cooke, APP.* ... W.R. 875

**HUSBAND and WIFE:**—Parol agreement for separation—Validity—Statute of Frauds (29 Car. 2, c. 3), s. 4.—*McGregor v. McGregor, APP.* ... ... ... S.J. 677

**IMPRISONMENT:**—False imprisonment—Action against gaoler—Act done in obedience to valid warrant.—*Henderson v. Preston, APP.* W.R. 834

**INFANT:**—1. Guardianship—Religious education of infant—Rights of mother as statutory guardian—Guardianship of Infants Act, 1886.—*Scanlan, Re, Ch.D. STIRLING, J.* ... ... W.R. 842  
2. Ward of court—Married woman—Post-nuptial settlement—Reversionary interest in personal estate—Infants' Settlement Act, 1855.—*Seaton v. Seaton (Buckmaster v. Buckmaster), H.L.* W.R. 865

See also Divorce, 4.

**INLAND REVENUE** :—1. Income tax—Duty on income from lands—Embankment against tidal river—Deduction for cost of embankment—Income Tax Act, 1853, s. 37.—*Hesketh v. Bray*, APP. ... S.J. 677  
 2. Promissory note—Agreement—Stamp Act, 1870, s. 49.—*Mortgage Insurance Corporation v. Commissioners of Inland Revenue*, APP. ... W.R. 833

**INSURANCE** :—Marine—Concealment of material fact—Principal and agent—Negotiation for effecting policy commenced by agent but completed by principal—Concealment by agent who commenced negotiation.—*Blackburn, Low, & Co. v. Haslam*, Q.B.D. W.R. 855  
 See also Company, 1.

**LEGACY** :—Debt—Satisfaction—Ademption.—*Fletcher, Re, Gillings v. Fletcher*, CH.D. NORTH, J. ... W.R. 841

**LIBEL**.—See Practice, 6, 9.

**LOCAL GOVERNMENT** :—1. Highway—Highway and Locomotives (Amendment) Act, 1878, s. 10—Indictment for non-repair—County authority—Highway authority.—*Reg. v. Mayor of Wakefield*, Q.B.D. ... W.R. 911  
 2. Licence—Forfeiture—Transfer—Licensing Act, 1872, s. 15—Wine and Beerhouse Act, 1869, ss. 8, 19.—*Reg. v. Justices West Riding Yorkshire*, Q.B.D. ... W.R. 855  
 3. Metropolis Management Acts—Apportionment of paving expenses—Payment by instalments—Sale of premises while instalments unpaid—Implied covenant against incumbrances—Metropolis Management Act, 1862, s. 77—Conveyancing and Law of Property Act, 1881, s. 7, sub-section 1 (A).—*Egg v. Blayney*, Q.B.D. ... W.R. 893

4. Metropolis—Valuation Acts—Provisional list—Special assessments—Appeal—Valuation (Metropolis) Act, 1869, s. 47.—*Fulham Union Assessment Committee v. Wells*, Q.B.D. ... W.R. 858  
 5. Municipalities Act (New South Wales), 1867—Bye-law—Regulation and prohibition—Unreasonableness.—*Slattery v. Naylor*, R.C. ... W.R. 897

6. Municipal election—Signatures of burgesses to nomination paper—Sufficient description—Municipal Corporation Act, 1882, s. 241, schedule 3, part 2, rr. 2, 5, and Form T, schedule 7.—*Bowden v. Bealey*, Q.B.D. ... W.R. 889

7. Water rate—“Annual value”—“Annual rack rent or value”—Waterworks Clauses Act, 1847, s. 68—Barnet Gas and Water Act, 1872, s. 56.—*Stevens v. Barnet District Gas and Water Co.*, Q.B.D. ... W.R. 924

8. Water rate—Unoccupied house under £10—Rateability of owner—Waterworks Clauses Act, 1847, s. 72—Southwark and Vauxhall Water Co.’s Act, 1852, s. 58.—*British Empire Mutual &c. Co. v. Southwark and Vauxhall Water Co.*, Q.B.D. ... W.R. 894

**MANDAMUS** :—Trespass—Claim of right—Justices divided in opinion—Mandamus to hear and determine.—*Reg. v. Ashplant*, Q.B.D. ... S.J. 679

**MARRIED WOMAN** :—1. Separate use—Property comprised in marriage settlement—Married Women’s Property Act, 1882, ss. 2, 19.—*Onslow, Re, Plowden v. Gayford*, CH.D. STIRLING, J. W.R. 883

2. Separate estate—Restraint on anticipation—Removal by court—Separate examination as to consent—Petition for approval of compromise—Conveyancing Act, 1881, s. 39.—*Harris v. Harford*, CH.D. NORTH, J. ... S.J. 663  
 See also Infant, 2.

**MAYOR’S COURT** :—1. Prohibition—Discretion.—*Broad v. Perkins*, APP. ... S.J. 677  
 2. Prohibition—Telegram—Order sent to City by telegraph.—*Cowan v. O’Connor*, Q.B.D. ... W.R. 895

**MORTGAGE** :—1. Foreclosure action—Order for delivery of possession—R. S. C., 1883, ord. 18, r. 2.—*Keith v. Day*, CH.D. NORTH, J. ... S.J. 679 ; APP. S.J. 694

2. Public-house—Mortgagors in possession—Lease by mortgagors with clause binding tenant to take beer, &c., from them—Account—Interest—Profit derived from sale of beer to tenant.—*White v. City of London Brewery Co.*, CH.D. NORTH, J. ... W.R. 881

3. Right to redeem—Lessee.—*Turn v. Turner*, APP. ... S.J. 662  
 See also Bankruptcy, 7.

**NEGLIGENCE** :—1. Estoppel—Custody of seal of corporation—Unauthorized use of seal—Transfer of stock—Proximate cause.—*Mayor, &c., of the Staple of England v. Bank of England*, APP. W.R. 880

2. Injury to passenger in public conveyance—Injury due partly to those in charge of the conveyance—Doctrine of identification of passenger with those in charge—Ship—Collision—Actions under Lord Campbell’s Act in Admiralty Division—Judicature Act, 1873, s. 25, sub-section 9.—*Mills v. Armstrong (The Bernina, No. 2)*.—R.L. ... W.R. 870  
 See also Employers’ Liability; Railway Company, 3.

**NEGOTIABLE INSTRUMENT** :—Detinue—Bonds stolen and transferred to bona fide holder for value.—*London and County Banking Co. v. London and River Plate Bank*, APP. ... S.J. 677

**PARTNERSHIP** :—Dissolution—Sale of business—Receiver and manager—Jurisdiction.—*Taylor v. Neale*, CH.D. CHITTY, J. S.J. 679

**PATENT** :—1. Action for injunction against threats—Cross-action for infringement—Liberty to apply for disclaimer in action for infringement—Application for writ of prohibition against Comptroller—Patents Act, 1883, s. 18, sub-section 10; s. 19.—*Hall, Re Q.B.D.* ... W.R. 892

2. Practice—Discovery—Particulars of objection—Patents, &c., Act, 1883, s. 32.—*Union Electrical Power and Light Co. v. Electrical Power Storage Co.*, APP. ... W.R. 913

3. Prior publication—Marking articles sold—Patents, &c., Act, 1883, s. 51.—*Blank v. Footman*, CH.D. KENNEDY, J. ... W.R. 921

4. Specification—Amendment extending patent—Prohibition to Attorney-General—Patents, Designs, and Trade-Marks Act, 1883, s. 18.—*Simon, Ex parte*, APP. ... S.J. 692

**POOR LAW** :—Settlement—Irremovability—Residence for three years by wife with husband—Divided Parishes Act, 1876, ss. 34, 35.—*Guardians Medway Union v. Guardians Bedminster Union*, APP. ... W.R. 851

**PRACTICE** :—1. Charging order—Jurisdiction—Cash to credit of judgment debtor in action in Chancery Division—1 & 2 Vict. c. 110, ss. 12, 14—3 & 4 Vict. c. 82, s. 1—Judicature Act, 1873, s. 24 (7)—R.S.C., 1883, ord. 46, rr. 1, 2—Supreme Court Funds Rules, 1886, r. 99.—*Bereton v. Edwards*, APP. ... S.J. 691

2. Costs—Good cause—R. S. C., 1883, ord. 65, r. 1.—*Moore v. Gill*, APP. ... S.J. 693

3. Defence—Further defence—Confession of further defence—Judgment for costs—Rules of Court, 1883, ord. 24, rr. 2, 3.—*Bridgetown Waterworks Co. v. Barbadoes Water Supply Co.*, CH.D. NORTH, J. ... W.R. 852

4. Discovery—Interrogatories—Relevancy—R. S. C., 1883, ord. 31, r. 1.—*Morgan, Re, Owen v. Morgan*, APP. ... S.J. 694

5. Evidence—Appeal—Copy of judge’s notes—Shorthand notes of evidence taken by solicitor’s clerk—R. S. C., 1883, ord. 58, r. 11.—*Ellington v. Clark, Bunnett, & Co.*, APP. ... W.R. 873

6. Interrogatories—Action of libel against publisher of newspaper—Report of public proceedings and fair comment—Disclosure of name of newspaper correspondent—Disclosure of original manuscript.—*Hennessy v. Wright (No. 2)*, APP. ... W.R. 879

7. Leave to issue writ of attachment—Application in chambers—Judicature Act, 1873, s. 39—R. S. C., 1883, ord. 44, r. 2.—*Davis, Re, Davis v. Galmyre*, APP. ... S.J. 693

8. Originating summons—Jurisdiction—R. S. C., 1883, ord. 55, r. 3.—*Gladstone, Re, Gladstone v. Blumenthal*, CH.D. NORTH, J. S.J. 663

9. Particulars—Libel action.—*Hennessy v. Wright (No. 1)*, APP. ... W.R. 878

10. Service of writ out of the jurisdiction—Company—Manager of branch works of company in jurisdiction—Companies Act, 1862, s. 62—R. S. C., 1883, ord. 9, r. 8.—*Wood v. Anderson Foundry Co.*, CH.D. STIRLING, J. ... W.R. 913

11. Service out of jurisdiction—Leave of court—Petition under Trustee Relief Act—R. S. C., 1883, ord. 11, r. 1.—*Jellard’s Trusts, Re, CH.D. NORTH, J.* ... S.J. 663

12. Service out of the jurisdiction—Notice of concurrent writ—Alternative remedies against two defendants—One defendant out of the jurisdiction—“Necessary or proper party”—Ord. 11, r. 1 (g).—*Massey v. Heynes*, APP. ... W.R. 834

See also Administration, 1; Company, 5; Divorce, 4, 5; Solicitor, 4.

**PROBATE** :—1. Administration—Grant to guardian for use and benefit of minor—No notice to relatives.—*Webb, In the Goods of, P.D. & A.D.* ... W.R. 847

2. Practice—Administration to creditor—Abandoning administrator—Revocation of grant—New grant to next of kin.—*Bradshaw, In the Goods of, P.D. & A.D.* ... W.R. 848

**RAILWAY COMPANY** :—1. Docks company—Meaning of words “constituted by Act of Parliament for purpose of working, &c., a railway”—Undertaking—Receiver—Railway Companies Act, 1867, ss. 3, 4.—*East and West India Docks Co., Re*, APP. ... W.R. 849

Sept. 1, 1888.

2. Liability to fence level crossing—Railways Clauses Consolidation Act, 1845, s. 47.—*Charman v. South-Eastern Railway Co.*, APP. ... ... ... ... ... S.J. 692

3. Negligence—Duty of company to screen railway from road—Liability for injury caused by accident.—*Simkin v. London and North-Western Railway Co.*, APP. ... ... S.J. 662

**SETTLED LAND ACTS:**—Application of capital money—Incumbrance affecting the inheritance—Mortgage for long term—Settled Land Act, 1882, s. 21 (ii).—*Frewen, Re, Frewen v. James*, CH.D. NORTH, J. ... ... ... ... ... W.R. 840

**SETTLEMENT:**—Life interest—Forfeiture clause—Charging order—Assignee.—*Kelly's Settlement, Re, West v. Turner*, CH.D. CHI., J. S.J. 663

**SHIP:**—1. Damage—Loss of beneficial agreement to collect and carry cargo.—*Argentino, The*, APP. ... ... S.J. 709  
2. Damage—Regulations for Preventing Collisions at Sea, art. 11—Stern light—*Patroclus, The*, P.D. & A.D. ... ... W.R. 928

**SOLICITOR:**—1. Confidential relation—Undue influence—Voluntary gift—Setting aside—Relation existing at time of gift—Election to abide by gift—Delay—Action by personal representative.—*Tyars v. Alcock*, CH.D. KEKEWICH, J. ... ... ... ... ... W.R. 919

2. Costs—Poor rate—Taxation by clerk of the peace—Poor Law Amendment Act, 1844, s. 39—Solicitors Act, 1843, s. 37.—*Guardians of Southampton v. Bell*, Q.B.D. ... ... W.R. 924

3. Costs—Solicitor acting without instructions from supposed client.—*Yealmans v. Snow*, CH.D. NORTH, J. ... ... S.J. 679

4. Practice—Appeal—Unqualified person acting as solicitor—Imprisonment—“Criminal cause or matter”—Solicitors Act, 1843, s. 32—Judicature Act, 1873, s. 47.—*Grayston, Re, Wall, Re*, Q.B.D.... ... ... ... ... S.J. 680; APP. S.J. 693

**TRUSTEE:**—1. Costs—Refunding by trustees—Jurisdiction—Trustee Relief Act.—*Parker's Will, Re*, APP. ... ... S.J. 679

2. New Trustees—Duties and liabilities—Incumbrances—Notice to original trustee—Constructive notice.—*Hallows v. Lloyd*, CH.D. KEKEWICH, J. ... ... ... ... ... S.J. 663

3. Devise to trustees, their “heirs and assigns”—Mixed gift of freeholds and chattels—Attraction—Trust for tenant for life subject to condition to repair and insure—Receipt clause—Estate of trustees—Trust property sold under deed alleged to be forged—Duty and liability of trustees as to recovering the property—Indemnity against costs.—*Tudball v. Medlicott*, CH.D. KEKEWICH, J. W.R. 884

**VENDOR and PURCHASER:**—1. Bank shares—Auctioneer—Conditions of sale—Payment of deposit—30 Vict. c. 29—Action to recover deposit.—*Galland v. Hall*, APP. ... ... S.J. 693

2. Sale by bare trustees of legal estate—No power of sale—Ratification—Time not of the essence of the contract—Notice—Rescission—Time—Reasonableness—Non-mutuality—Specific performance.—*Lee v. Soames*, CH.D. KEKEWICH, J. ... ... W.R. 884

**WATER:**—See Local Government, 7, 8.

**WATERCOURSE:**—Right to pollute—Prescription—Change in manufacture—Land Drainage Act, 1861—Prescription Act (2 & 3 Will. 4, c. 71)—*Clark v. Somerset Drainage Commissioners*, Q.B.D. ... ... ... ... ... ... ... ... ... ... W.R. 890

**WILL:**—1. Codicil—Executor trustees—Trustee substituted—Not named as executor—Executor according to the tenor.—*Lush, In the Goods of, P.D. & A.D.* ... ... ... ... ... ... ... ... ... ... W.R. 847

2. Construction—“Die without leaving children”—*Hamlet, Re, Stephen v. Cunningham*, APP. ... ... ... ... ... ... ... ... ... ... S.J. 678

3. Construction—Gift to children when youngest child attains twenty-one—Discretionary trust for maintenance, &c., in meantime—Effect of assignment by object of trust.—*Coleman, Re, Henry v. Strong*, APP. ... ... ... ... ... ... ... ... ... ... S.J. 694

4. Construction—Gift to illegitimate child—Gift over on death of “any of my children” without issue—Effect on share of illegitimate child.—*Smith v. Jobson*, CH.D. KAY, J. ... ... S.J. 662

See also Trustee, 3.

363

384

393

84

890

847

378

694

662